

PUBLIC PETITIONS COMMITTEE

Tuesday 29 January 2008

Session 3

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PUBLIC PETITIONS COMMITTEE

2nd Meeting 2008, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

*John Farquhar Munro (Ross, Skye and Inverness West)
(LD)

COMMITTEE MEMBERS

*Bashir Ahmad (Glasgow) (SNP)
*Claire Baker (Mid Scotland and Fife) (Lab)
Angela Constance (Livingston) (SNP)
*Nigel Don (North East Scotland) (SNP)
Rhoda Grant (Highlands and Islands) (Lab)
Robin Harper (Lothians) (Green)
*Nanette Milne (North East Scotland) (Con)

COMMITTEE SUBSTITUTES

Jim Hume (South of Scotland) (LD)
Marilyn Livingstone (Kirkcaldy) (Lab)

John Scott (Ayr) (Con)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Ian Jarvis
Robert Kay
Gillian Vance (Galloway Childcare Company)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERK

Franck David

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 29 January 2008

[THE CONVENER *opened the meeting at 14:03*]

New Petitions

The Convener (Mr Frank McAveety): Good afternoon everyone, and welcome to the second meeting of the Public Petitions Committee this year. Please ensure that all mobile phones and other electronic devices are switched off. That applies both to committee members and to visitors in the public gallery.

I have received a standing apology from Angela Constance, who is still on maternity leave. Once again, I welcome John Wilson, who has been an assiduous substitute for Angela. Rhoda Grant has sent apologies, because of a family bereavement, and we received a late apology from Robin Harper.

Child Care Strategy Review (PE1114)

The Convener: I welcome our first petitioners of the afternoon. Petition PE1114 is by Gillian Vance, on behalf of the Galloway Childcare Company, and calls on the Parliament to urge the Scottish Government to review its child care strategy to ensure that adequate funding is provided for child care services in all local authorities. Accompanying Gillian Vance is Lisa Templeton. You have three minutes, Ms Vance, to advance your position, which is set out in the papers before us.

Gillian Vance (Galloway Childcare Company): Good afternoon, ladies and gentlemen. I work for the Galloway Childcare Company, which is a social enterprise child care organisation based in Wigtownshire in the far south-west of Scotland. We submitted our petition last year in the wake of a financial crisis that threatened to close all our services, leading to the loss of 35 jobs and 190 registered child care places. Since then, we have been able to negotiate short-term support from Dumfries and Galloway Council to ensure the continuation of services until the end of March this year. However, it is unclear what support, if any, will be available from April 2008. Our immediate monetary situation has improved, but we are still living hand to mouth financially, and that looks set to continue for the foreseeable future. The fundamental problems of resourcing, sustainability and the lack of strategic direction will remain unless the issues are

addressed in the Government's forthcoming early years strategy.

The reason for our petition and for our longer-term aim of lobbying the Scottish Government is to ensure that the future of child care provision in deprived and rural areas throughout Scotland is fully considered, and that both the challenges and the opportunities are acknowledged as being distinct from those in more urban and affluent areas. Not all communities in Scotland are the same, therefore different measures need to be put in place if we are to achieve the initial national child care strategy aim of providing good-quality, accessible, affordable child care in every neighbourhood.

The current financial crisis, which is referred to in our petition, emerged in November 2006, when a number of voluntary sector child care projects across Dumfries and Galloway indicated to the local authority that they would struggle financially during the current financial year. Since 1998, funding has been made available each year from the child care strategy fund to support fragile child care groups throughout the region. Initially, that funding was accessible only to voluntary sector groups with a deficit. Over time, that has developed into a grant system based on the number of places that are provided, and all providers from the voluntary, private and public sectors may bid. Ironically, the change penalised smaller providers that the system originally protected.

The local change's impact on policy was camouflaged by the introduction in 2004 of several other funding streams that were available to the child care sector, including the new opportunities fund and out-of-school-hours child care and quality child care programmes. Several local groups were successful in securing up to three years' funding from lottery initiatives, and the investment undoubtedly led to an expansion in the number and quality of registered child care places. By the start of the current financial year, however, most of the grants had come to an end, and little alternative funding was available.

Dumfries and Galloway is primarily a rural area, with a large number of small, isolated communities and many areas of deprivation. Developing and maintaining sustainable child care services has been a significant challenge, as the majority of groups secured grants in the first place because of demonstrable levels of deprivation in their catchment areas. It has proved impossible for us to become self-financing in the time that has been available.

The unit costs of running small rural projects are higher than those for our larger counterparts in more densely populated areas, where demand is more consistent and economies of scale are

possible. The NOF's own evaluation of the out-of-school-hours programme recognised that sustainability is difficult to achieve in disadvantaged communities. The NOF stated:

"The funding has led to a robustness among childcare clubs with fewer closures than under previous childcare schemes. However, clubs, particularly in disadvantaged areas, demonstrated a need for additional grant funding if longer-term sustainability is to be achieved. Almost two-thirds of clubs included in the research reported that they would be looking to secure future grant funding if they were to continue operating."

Many of the Galloway Childcare Company's child care places were originally set up with short-term start-up funding from the New Opportunities Fund. Now that the subsidies have ended, we find ourselves unable to generate sufficient income from parental fees alone. The introduction of child care tax credits has not enabled us to increase fees sufficiently, but a debate on the tax credit system would probably warrant a petition in its own right.

For a decade, child care strategy funding has been made available to local authorities throughout Scotland specifically to support, develop and expand the local child care market. Dumfries and Galloway previously was fortunate. Until last year, the funding was ring fenced and was used exclusively for child care. However, the funds are increasingly being used to resource other local council activities. This year, council efficiency savings resulted in 43 per cent of the funding being top-sliced. We are aware of the introduction of the single outcome agreement from next year, and changes to how funding is allocated to local authorities may mean that even less financial support will be dedicated to child care.

Previous national policies sought for the wider child care market to be a mixture of public, private and voluntary sector provision, and the role of each local child care partnership was to manage that market. The cost of providing quality child care in deprived or rural communities is higher than parents will ever be able or willing to pay. The private and public sectors recognise that the true cost of care in those communities is prohibitive to their operations. It is left to the third sector to continue to meet the needs of children and parents in remote or underprivileged areas. That is the reality of a sector that is driven by the free market economy, where the money follows the profit margin rather than the child. Where, then, is the principle of the child being at the centre, or the concept of universal services?

I thank the committee for giving my colleague and me the opportunity to bring our case to your attention. I conclude by requesting that the committee give further consideration to two particular issues. We ask that members seek to ensure that the proposed early years strategy is

developed to take full account of and make provision for the needs of rural child care services throughout the country. We also ask that you reflect on whether it is appropriate for a service as important as child care to be left to the vagaries and unpredictability of market forces in 21st century Scotland.

The Convener: Members will now ask questions or raise points relating to either your written submission or the comments that you have just made.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good afternoon, ladies. When did you first become aware that there was likely to be a diminution in the finances that are available for running the groups? Has the situation arisen in the past few months or has it been on the cards for some time?

Gillian Vance: In November 2006, several groups throughout Dumfries and Galloway realised that their funding streams were coming to an end and indicated to the local authority that that was the case. In February 2007, the council made cuts to the funding that was to be made available. The situation has evolved during the current financial year.

John Farquhar Munro: Were the cuts that were first imposed fairly substantial?

Gillian Vance: A 43 per cent cut was applied to the child care strategy fund that was available to Dumfries and Galloway Council. Not all of the fund is available to support projects—it is also used for infrastructure, the child care partnership and training. However, the amount for groups was reduced significantly. That coincided with the ending of funding streams for several groups, so more groups needed support than had needed it in the previous three years.

John Farquhar Munro: You will be aware that the previous Scottish Executive decided to support the type of schemes in which you are interested. According to our papers, that support is set to continue. Is your fear that, because the Scottish Government has decided to move away from ring fencing local authority funds, your local authority and others may not continue to be so considerate to organisations such as yours? Do you have any evidence of that?

Gillian Vance: We are concerned about Dumfries and Galloway Council's financial situation and its deficits. Obviously, the statutory responsibilities must come first. We have had no information about what, if any, support will be made available next year. We are working with the local authority, and the network for community child care providers in Dumfries and Galloway is working with the local authority and the child care

partnership but, at present, no decisions have been made on the funding that will be available.

Nanette Milne (North East Scotland) (Con): What proportion of your funding comes from the local authority?

Gillian Vance: It can vary from year to year, depending on how much external funding is available. This year, the figure will probably be a fifth.

Nanette Milne: What are your sources of external funding?

Gillian Vance: Lottery funding has proved to be a major source. In the past three years, we have raised almost £1 million through external funding, which has been spent on several activities. We developed projects and outside play spaces, and last year we funded purpose-built accommodation for one of our projects in Stranraer. The funding is mostly for capital projects—very little revenue funding is available. We can attract funding to buy things or to carry out tangible projects, but we require funding to contribute to core services, particularly funding for staff costs, but also for rent and utilities.

Nanette Milne: Is that basic set-up with regard to core funding and other funding the same for similar groups throughout the country?

14:15

Gillian Vance: I know that it applies to other groups in Dumfries and Galloway, and I can think of no reason why Dumfries and Galloway would be unique in Scotland. Groups that operate in rural or deprived areas face the same difficulties, whether they are in Newton Stewart, Stranraer or north-west Scotland.

John Wilson (Central Scotland) (SNP): From my experience in a previous existence I am aware of issues to do with funding for child care work. The volatility of funding other than local authority funding is a concern, if the Government is trying to promote universal, decent child care facilities throughout Scotland, as Nanette Milne said. Issues should be raised with a number of bodies, in particular the Scottish Pre-School Play Association. I did work with the SPPA on funding for child care throughout Scotland. The association knows where resources come from and how they are used.

I am concerned that uncertainty about funding means that experienced, skilled staff tend to move on from projects to more secure employment rather than remain in their chosen vocation. We should flag that up. If we are to ensure that quality services are delivered, there must be consistent funding, whether it comes from local authorities or the Government.

Nigel Don (North East Scotland) (SNP): I will pursue two lines of inquiry. First, Gillian Vance said that Dumfries and Galloway Council has debts. How big is the debt?

Gillian Vance: It is £9 million over three years.

Nigel Don: What percentage of the total budget is that?

Gillian Vance: I do not know what the council's overall budget is.

Nigel Don: There is no reason why you should do—I do not know, either. However, although £9 million is a lot of money, it does not sound like a huge chunk of the budget for an area as big as Dumfries and Galloway. We can find out about that.

Secondly, the committee's briefing paper states that the Scottish Government has said that it will continue the previous Executive's child care strategy. The paper refers to the Scottish Government's commitment on

"Expanding pre-school provision and making substantial progress toward a 50% increase in pre-school entitlement for 3 and 4 year olds".

The commitment continues:

"The entitlement to pre-school provision will be maintained"

and increased. To what extent is the commitment relevant to what you are talking about?

Gillian Vance: It is not relevant, because we do not currently deliver pre-school education. We have done so and we entered into partnership with the local authority to provide a service in communities. However, currently we provide a different service.

Nigel Don: Okay. I wanted to establish that the commitment is not relevant to your service.

How good are your communications with the council? Do you talk to the appropriate directors? It might be better to ask whether they talk to you.

Gillian Vance: We have communicated at chief executive level as a result of the current crisis and we are trying to develop better working relationships with officers who have responsibility for the areas of work that we cover. I will be optimistic and say that the relationships are improving. However, relationships between the council and the voluntary child care sector have been strained during the past year.

Nigel Don: Is that a reflection of the council's financial restraints?

Gillian Vance: The financial restraints are a contributory factor.

Nigel Don: Would you care to comment on what the other contributory factors might be?

Gillian Vance: Not really.

Communication has been poor. We are working to ensure that an arena is available for people to enter into appropriate negotiations about our needs and constraints and those of the local authority, and to identify a future direction. The child care partnership in Dumfries and Galloway is going through a period of review and the local authority is carrying out a review of child care, but those reviews have not been concluded. The problem that we face is uncertainty. There is the potential for improvement, but groups are operating in an information vacuum. We do not know what direction will be taken either locally or nationally in the early years strategy that is due later in the year.

Nigel Don: Thank you for diplomatically not commenting—I understand your reasons.

You say that the council is developing a strategy. Given what you have told us, it seems to me that it needs to have a strategy now rather than in the future. Do we have a timescale for seeing a draft of that strategy?

Gillian Vance: The strategy that I referred to is the Scottish Government's strategy, which is due out in October. We met Adam Ingram late last year and he showed us the work that was being done.

Nigel Don: In no sense is it my job to criticise what Adam Ingram might be doing, but am I to understand that there is no strategy at the moment?

Gillian Vance: There is the previous strategy, which is being reviewed and updated to encompass many more children's services. The revised strategy will be an early years strategy, whereas the strategy that was introduced in 1998 was specifically a child care strategy. Child care will form a strand of a bigger, early years strategy.

Nigel Don: The present strategy does not tell Dumfries and Galloway Council—or any other council—that it needs to support people like you.

Gillian Vance: It is up to each local authority to interpret the strategy to determine how they provide support. The argument that we have tried to make to our local authority and to the committee is that not every community and not every child care organisation operates in the same way. We are often accused of being inefficient when, in fact, we simply have higher unit costs because of the communities in which we operate.

The Convener: I would like to get some clarity on timescales. Although there have always been issues surrounding child care funding and early years funding, a critical funding crisis emerged in November 2006—that is mentioned in the committee's background paper and you spoke

about it earlier. Did you have the same resource base for 2007? In a month and a half's time, when the new financial year starts, will you as a provider face a more critical situation than you faced over Christmas 2006 and into early 2007?

Gillian Vance: We were aware from budget projections in 2006 that there would be shortfalls for some groups this year. The crisis did not kick in in November, but we alerted the local authority to the fact that it would kick in for some groups at various stages throughout the 2007-08 financial year. November 2007, when we were allocated funding to get us through to the end of March this year, was a critical point.

In the intervening period, we have had to carry out a review of our organisation and to make some significant changes. As well as completely reviewing the management and operational structures, we have introduced cutbacks in pay and terms and conditions, and staff redundancies will come into effect later next month and the month after. Some big changes and difficult decisions have had to be made by the board to ensure that we will be able to continue from April 2008 onwards. We will be able to do so only as a result of making those cutbacks to services and structures.

The Convener: So you have had to engage in that process because of the funding packages. Obviously, the local authority makes autonomous decisions in line with discussions with the Scottish Government education department.

I have two questions. You mentioned that the Government's early years review will be published in October 2008. The situation is well out of kilter. That is not the Government's fault, but you are caught in the middle. Are you having a further discussion with the council? Are you having to put together a package that takes into account staffing numbers and management structures, in case a slimmed-down organisation is required to deliver what you have delivered in the past? Even if the Government presses all the buttons on the early years strategy by October 2008, that will not necessarily change the circumstances that you face over the next five or six months.

Gillian Vance: We have the resources in place to operate for another financial year. Beyond that, it is completely unknown.

The Convener: Obviously, we have had stushies in the Parliament about devolved decision making and whether funds for child care and other services should be ring fenced. Are you concerned that locally there is a lack of clarity and consistency and that that might jeopardise your organisation's viability for the year beyond the difficult one that you are in?

Gillian Vance: Yes. We are concerned that there is not enough consultation with the voluntary sector, not only in relation to child care but in general, in determining what the single outcome agreement targets will be locally. We are aware that certain broad-picture expectations have been provided by the Scottish Government, but we are concerned that the fine detail has not been identified at a local level.

John Wilson: You indicated that you have taken steps to try to alleviate some of the financial problems that you will face come April. Can you explain the exact impact of those steps? First, what is the impact on staff? You indicated that you examined staff pay and conditions and reduced staff numbers. Secondly, what would be the impact on service delivery, particularly to young people in the area?

Gillian Vance: Seven posts have been identified for redundancy, which is about a quarter of our workforce. Staff costs represent our biggest area of expenditure. Staff have voluntarily agreed to a reduction in some of their terms and conditions. For example, sick pay has been eliminated and it was hoped that pensions would be brought in at some point, but that has now been ruled out.

We are cutting back certain services. We are trying to ensure that, when it comes to the services that remain, the scaled-down organisation is still able to deliver provision of the highest quality that we can possibly manage, but obviously such a major restructuring involves some risks to the future of the organisation. The same amount of work will remain, but there will be fewer staff and volunteers to carry it out. Any organisation that goes through such a process faces such risks.

John Wilson: I understand that you are saying that no children who currently receive a service will be affected by the reduction in the number of staff.

Gillian Vance: Some children will no longer be able to access particular services. We have had to close certain services over the past few months. Certain communities to which we previously delivered out-of-school care no longer have that child care. Other projects are considering reducing the number of hours that they are open, so instead of opening from 8 o'clock to 6 o'clock they will cut back to a core service for a shorter time in the day.

14:30

The Convener: As you are aware, although you are raising a specific issue, the purpose of the Public Petitions Committee is to consider the broader debate—in this case, about investment in child care, the anomaly involving the market

pushing prices up, and the suitability and affordability of child care for folk in low-income parts of Scotland, and clearly the south of Scotland has been identified as having low-income households. In a sense, we are trying to utilise your concern in a bigger debate that we need to have with the various arms of Government, both national and local, and other support groups to try to get a more coherent service over the next few years. That does not mean that we can easily intervene in local decisions about budget allocations and so on, which the committee also needs to grapple with.

In order to assist the petition we need to consider who we wish to raise the issue with and who we need to ask for clarity. There is a question about the timescale and whether a transitional budget is available for local authorities or for services such as yours in the voluntary sector that can handle the issue a bit more sensitively. A lot of staff are involved not because of the benefits that they get but because of the commitment they give to the service. We need to deal with that.

I am keen to get a sense from members about how they wish to take on the petition. There were two core messages at the conclusion of your opening comments. The first was about ensuring that there is a national strategy for child care covering all ages and synchronising that with an early years strategy; and the second was about recognising the real cost of child care and finding a better way to cross-subsidise, or minimise, the cost to families.

Nanette Milne: On the issue of the national impact, we should write to the Convention of Scottish Local Authorities to find out the situation in councils throughout the country. As far as council budgets are concerned, does the issue have an impact on education and social work?

Gillian Vance: Yes, now that everything is together. In the past, there has been a specific ring-fenced child care strategy fund, but that will no longer exist.

Nanette Milne: Therefore, it might be of interest to find out from the directors of education and social work how they see things moving forward. We could write to their associations.

The Convener: Do members have any other suggestions?

John Farquhar Munro: I know that the position is stated in our papers, but we could ask the Scottish Government whether it agrees that the policy is still up and running and that there has not been a change.

John Wilson: It might be worth writing to the Scottish Pre-school Play Association, which I mentioned earlier. I was interested in one of Ms

Vance's responses about the end of provision of pre-school facilities, which I guess has happened because the funding for that has stopped. I have worked with the association, which provides a lot of assistance and advice to other organisations that provide child care.

We could ask the Scottish Out of School Care Network about the impact at the national level. I am sure that such negotiations and discussions about the future funding situation are replicated throughout the other 31 authorities.

The other organisation that I suggest we write to—I am not sure whether we have the competence to do so—is the Big Lottery Fund in Scotland, to find out what funding has previously been given. In the past, a number of the projects that provide child care facilities have received Big Lottery funding not only to purchase play equipment but to employ staff. It would be useful to find out from the Big Lottery how much grant funding has been given in the past and how many applications are being made for funding this type of work.

I am concerned that a lot of the work that is done by organisations throughout Scotland that provide child care services is in effect being done on the cheap as far as local authorities and the Government are concerned. It is being subsidised not only by organisations such as the Big Lottery Fund, but, in many respects, by the parents and the staff who provide the services. As you said, convener, we need to get a true cost figure for the operation of the services to ensure that there is uniform delivery throughout Scotland and that a mix-and-match approach is not taken by the Government or by local authorities.

The Convener: I certainly think that we should write to Dumfries and Galloway Council, asking what measures have been put in place to address the concerns about long-term sustainable funding and the delivery of services to the areas to which Gillian Vance's organisation has been providing those services—for by the fact that she is probably in fairly tortuous discussions with the council, as we speak, about the package of resources and what the organisation can or cannot have.

We all have different views on the language around the removal of ring fencing. If the debate is about greater flexibility, one would hope that the local authority—working in partnership primarily with the voluntary sector, which supplies a lot of the providers—still has in place a coherent strategy and a commitment of resources. There should not really be any material difference, but I am concerned that that might be occurring in different parts of the country if we are not careful or vigilant. That is something for all of us—including ministers—to deal with.

It would therefore be helpful to write to Dumfries and Galloway Council and the partnership that Gillian Vance has been working with, asking what solutions they are trying to find that will not jeopardise the quality of the service or result in the service being there in name only or as almost a skeletal provision in comparison with what it has been possible to provide previously.

I do not think that members have other strong views on the matter. We have a range of folk to contact, who can give us a clear idea of the national picture involving both the Government and COSLA as well as the support networks that exist for pre-school and early years provision. They can also tell us about the timescale for feeding into the strategy. Has you submitted your views yet, Ms Vance? Indeed, have you been invited to submit views to any discussions that the Government may be having about its early years strategy?

Gillian Vance: No.

The Convener: I would encourage you to do so. I presume that that will open up a possibility, and you have fairly candid views to express, given what we have heard so far today.

Gillian Vance: We would welcome that opportunity.

Nigel Don: It is an accident of timing, but I imagine that, with local authorities having to set their budgets within the next few weeks—I am not sure of the precise timescale—we will get two different views on the issue. The first of those will be the immediate statement of what authorities plan to do in the next financial year, for which they must make the numbers add up now. I suggest that we revisit the issue in a few months' time, once that is out of the way. We will then probably be able to ask more coherent questions about strategy because the hoo-hah of the budget will be out of the way.

The Convener: I know that you are in an anomalous situation, Ms Vance. As you leave here and go back to the reality of what you are facing, you will be thinking, "We're still committed to meeting this budget option, which means that we can do X, X and X, but we can't do what we used to do last year." Although we cannot resolve that for you today, we can use your experience to amplify a bigger debate about how we, as a nation, fund the early years sector.

I was a member of the Education Committee when it looked into the early years sector—we made comparisons with what happens in other parts of the world, for example. Part of the problem is the fact that we need to persuade a lot more of our citizens to believe that it is worth making a contribution to that sector through their tax take. That is a dilemma for every politician

around this table. People say in opinion polls that they believe in supporting such services, but they do not always confirm through the ballot box what they say in opinion polls. We need to grapple with that—that is the reality that we deal with.

We will want to explore the issue with rigour on your behalf, as it is regrettable that we are facing this situation. It has existed for a while, and you have the most acute set of circumstances, which you will need to deal with over the next few months or so. We will explore the issue further and it will then return to the committee. We will give the *Official Report* of this discussion to the appropriate agencies—particularly the Government—saying that the issue has come before the Public Petitions Committee and asking whether they have comments to make on the situation and on what they are trying to do to resolve it. You will be notified when the issue returns to the committee for the next stage of discussion.

I hope that the meeting has not been too onerous or challenging for you.

Gillian Vance: No, it was very interesting. Thank you.

The Convener: Thank you very much for your time.

Local Planning Inquiries (PE1112)

The Convener: We move on to petition PE1112, by Robert Kay, who is accompanied by Ian Jarvis. I welcome them to the Public Petitions Committee. The petition calls on the Parliament to urge the Scottish Government to clarify the circumstances in which Scottish ministers would not accept the decisions of a local planning inquiry and a public local inquiry, particularly in relation to housing developments on green-belt land, such as that at Cavalry park, Kilsyth.

As you will have seen from the previous discussion, Mr Kay, you can have three minutes or so to amplify the points in your petition. We have received and considered all the relevant correspondence on your petition. You can now raise further points or accentuate points that were raised in your submission, after which members will ask questions.

Robert Kay: I thank the convener, members and, indeed, officials for the help that we had in putting the petition together. I also thank Ian Jarvis for coming along to support me.

Development within the historic boundaries of the Colzium Lennox estate near Kilsyth has been opposed for decades, with good reason. The main part of the woodland estate was gifted to the townsfolk in the 1930s. Cavalry park is a raised peat bog of 20 acres and is within the green belt. However, that does not stop housing developers

coming back time after time, hoping for a lucky break. Like most local residents, Ian Jarvis and I care passionately about that special place and wish to see it protected.

Five years ago, George Wimpey West Scotland Ltd applied for planning permission to build 162 houses in Cavalry park. That application was firmly rejected by ministers, following a public inquiry. However, Wimpey came back last year for a second bite at the cherry. This time, the new Scottish Government advised North Lanarkshire Council that it would not call in the planning application, so the council granted planning permission for 162 houses, with the proviso that flood-risk mitigation should be maintained in perpetuity by the developers, subject to contract.

Such mitigation is simply is not practical. Floods usually have multiple causative factors, which are difficult to prove in law, and flooding is becoming more frequent in our area. There were two major incidents last year alone, one of which closed the main road and caused significant damage to private property. The Flood Prevention and Land Drainage (Scotland) Act 1997 says that councils are ultimately responsible for the maintenance of flood defences, so we as local tax payers have wound up paying for it.

Since 2005, major public sector plans must obtain a strategic environmental assessment, but that has not been done in this case. Further, by granting permission for the 162 houses, North Lanarkshire Council has predetermined the outcome of current consultation on the draft local plan, thereby undermining the credibility of the community engagement process.

The council attempts to justify its actions by referring us to a variation in the district plan—the interim housing land statement—that related to housing need between 2002 and 2006 and which is now well past its sell-by date. Since then, housing needs and land supply have changed considerably, and several large windfall brownfield sites have been approved in the area, with our full support, but even that has not stopped the juggernaut. A landscape character assessment might protect the uniquely beautiful and historic site of Cavalry park, but that has not been carried out, either.

Over the years, there have been many new housing plans, advice notes and strategies, all of which show that the proposed development is wrong. For example, planning advice note 38 says that community organisations such as ours have important contributions to make on issues related to flood risk, natural heritage and amenity—that would be great, if anybody listened to us.

We are asking the committee to clarify Parliament's and ministers' responsibilities in this

matter and to advise us what—if any—redress is open to us to prevent an irreversible failure of public policy and process.

Thank you for listening. Ian Jarvis and I are happy to take your questions.

14:45

The Convener: Thank you. The committee has received a letter from Margaret Mitchell, the regional member for that part of Scotland, in which she identifies a number of issues that you have also identified. She talks about the impact on the green belt, the lack of clarity around the local and structure plans, the compromise that may be reached on the B-listed Colzium house and several other issues related to the impact of flooding and air pollution. Copies of that letter will be distributed to committee members. Essentially, it confirms what you have told us are the concerns behind the petition.

I am happy for members to ask questions. We will explore some of the issues that have been raised. I am a wee bit worried about a parliamentary committee considering the role of Government ministers in planning applications, given recent controversies. However, it is not for me to cause mischief here—I would never do that.

What stage has your dialogue with the local authority reached? It has approved the development of private housing on part of the site—is that correct?

Robert Kay: Yes.

The Convener: Have you lodged an appeal? Are you allowed to do anything further within the system?

Ian Jarvis: No further appeal is allowed in the circumstances. As far as the council is concerned, that is the end of the process.

The Convener: Do members have any questions?

John Wilson: I declare an interest on two counts. I had my wedding reception in Colzium house just over 25 years ago. The house sits in the middle of the estate, which I know well. I am also an elected member of North Lanarkshire Council.

Do you feel that you have exhausted all avenues of negotiation and discussion with North Lanarkshire Council? If so, do you think that there should be a further process to allow individuals, organisations or groups such as yours further recourse to appeal against decisions that are made by councils? I am fully aware that the draft local plan is out for consultation and that North Lanarkshire Council has indicated that the development is a variation that it has approved.

Do you think that there should be further avenues for appeal in the light of such decisions?

Robert Kay: Yes. We believe that a fundamental mistake has been made and that some very important issues have been ignored.

There are a couple of possible processes. We could go through the courts to get an interdict of some kind. However, we are local family people and volunteers, and that is an expensive, complicated and dangerous process. The other possibility is an appeal to the Scottish Public Services Ombudsman. We really do not know where to go from here. We think that it is important that our concerns are listened to and that we should have the chance to question the decisions that have been made. We were not even asked to address the most recent planning committee meeting, at which the matter was discussed, so we have not had a chance to raise our concerns at all.

Claire Baker (Mid Scotland and Fife) (Lab): You mentioned that the application had previously been called in by the Government and that the present application is a further application. Do you have any views on why a different approach has been taken this time around? Are you able to say why the application has not been called in this time? What change in circumstances led to a different situation this time?

Ian Jarvis: As Rob Kay said, the important point in this case is the process that has been followed. It is difficult to see how an interim housing land statement, which was publicised for a very short time and was the subject of limited consultation, can be given more weight than the previous local plan. In any case, the statement is now out of date. We do not understand why the local authority did not revert to the original local plan.

The draft local plan is now out for consultation, but the green-belt review has not been included in that consultation, so we have not even had a chance in the consultation to examine the local authority's green-belt strategy and establish whether it would include in the green belt the land in question. The whole process seems to have fallen down in some way. I hope that that answers your question.

The Convener: For the sake of clarity, has there been a public local inquiry?

Robert Kay: Yes, there was an inquiry when the application was submitted the last time.

Local community volunteers and activists who are involved in different agencies are trying to organise events such as, in my case—as you know, convener—a carnival. However, our problem is that we cannot always keep our eye on the ball when it comes to what amounts to

negative campaigning. We all have things that we want to do in our communities. When applications come back time and again, people's energy is terribly sapped. In any community, you end up with a relatively small number of people who are engaged actively in civic life.

It is difficult to fight large corporations, which have millions of pounds at stake. They know that they can wear us out through a process of attrition. It is unfair. Communities do not have at their disposal the resources that are available to housing developers who are making profits of hundreds of millions of pounds a year. They can afford to bring in specialist and expensive resources to help them find a little loophole that they can use to win. It is not fair; it is like David versus Goliath. We need some help in the system somewhere; it is all skewed the wrong way—there is not a level playing field.

Nigel Don: I sympathise with you on that. I came back from a holiday abroad to find myself, as a local councillor, fighting a big supermarket in my back yard. We eventually won, but not by the route that you might have expected.

I come back to the question that my colleague asked earlier. You suggested that the minister— whoever that minister was; it might be interesting to find that out—had indicated that the application would not be called in, whereas previous applications, which, from what you have said, seem to have been similar, were called in. Has any reason been given on paper as to why the decision was different, or did the piece of paper simply say that the application would not be called in?

Ian Jarvis: If the decision was based on flood prevention measures, the Scottish Environment Protection Agency might be asked about that. I believe that the minister might have been influenced by the fact that flood prevention measures had changed slightly, but who knows? We do not know that.

Nigel Don: If you will forgive me, that is the point of my question. Your response implies that you do not know. That suggests that you have not seen whatever letter was sent. Have you tried to see it? Good old freedom of information works sometimes.

Robert Kay: No, not yet. The reason is that things happened really fast. The letter was probably sent only in November. Rumours were flying around in November and the application went straight to the planning committee in December. Obviously, because of the holidays, we have not had the chance to gear up the campaign again.

We were astonished. We assumed that because the previous applications had gone to planning

inquiries, there would have to be another planning inquiry. It seems astonishing that that process has been bypassed. We do not even have a campaign group, as such, to try to organise against the application; it is more just a collection of individuals networking. We were taken aback and were on the back foot. It would be nice to see the justification for the decision, if that is contained in the letter, but the letter probably does not contain it. I think that the letter just says that the Government is passing the application on to the council. We do not know. I guess that it would be worth trying to find out.

I do not know what level of briefing is provided to ministers when they make such decisions. What factors do they weigh when they decide whether to call in an application or take it back to a local authority or whatever? There does not seem to be a particular process. We certainly do not understand the system.

Ian Jarvis: We have local knowledge and, without going into detail, it is difficult for us to see how the flooding implications of the site can be mitigated to such an extent in perpetuity. That seems very difficult to achieve, considering the history of the site and the amount of flooding that has taken place in the past.

Nigel Don: You have a huge amount of sympathy from me about the issue, but that will not take us much further forward today.

The Convener: I was going to suggest that I should phone the chief planning officer, but I am a humble back bencher and there is no chance that they will take my call.

There is a process issue here that we need to explore. The petition asks for clarity on the circumstances in which a Government minister would not accept the decisions of a local planning inquiry and a public local inquiry. We need to ask a minister about that. In the petitioners' written submission and in their comments this afternoon, they have raised the interpretation of planning laws that allow a development to be pursued if it has been accepted by a local authority committee. The petitioners have indicated that they do not have the resources, in terms of income and time, to challenge that by judicial review or whatever.

We can explore a combination of issues. It would be helpful to have a view from bodies such as Scottish Natural Heritage, because of the issue that has been raised about the combination of green-belt and historic sites. I note with interest the issue of the covenanter memorial. What are members' views on how we should address the petitioners' concerns?

Nanette Milne: We could hear the opinions of the Royal Town Planning Institute in Scotland.

John Wilson: I suggest that we contact COSLA. Certain developments are taking place, particularly in central Scotland, in relation to housing-led demand for land. COSLA could give us its view on how the planning process has been affected by local authority decisions. The committee could ask North Lanarkshire Council for its views, particularly on the issue of the previous public inquiry into the use of the land and the way in which the council dealt with the most recent application. I am concerned about the comments of Mr Kay and Mr Jarvis that the planning application was put to the planning committee in December, just prior to the Christmas break, and that a decision was made in January.

Robert Kay: No. The decision was taken at the planning committee—

John Wilson: In December.

Robert Kay: A number of things concerned us about that, too. For example, we were not invited to make any submission. It was a new committee—that was the first time that the committee had met to discuss the Cavalry park application since the election in May. The two-page briefing paper did not inform the committee of the full background and history of the site.

A further concern was that one of our local councillors, Francis Griffin, who had supported the campaign all the way through, sadly died a few weeks before the planning committee meeting. That meant that we did not have a local councillor who could put across the community's view at that meeting. That was extremely regrettable.

The Convener: Are there any other suggestions about how we can try to progress the issues raised by the petitioners?

15:00

Nigel Don: I am not sure whether this has been mentioned, but I think that we ought to ask the Scottish Government about the extent to which it is prepared to defend the decision that apparently has been made not to call in the application. I do not know whether that would be possible, but it would be nice to do so.

John Wilson: I agree with Nigel Don that we must take the matter to the Scottish Government. However, given the fact that the whole planning system is under review, it might be useful to get the Government's view on the issues that have been raised by Mr Jarvis and Mr Kay about the way in which local community groups interact with the planning process, especially the appeal process. Community groups are becoming more concerned that local authorities are making decisions over the heads of quite strong and vociferous local campaigns. The local campaign

groups feel that they are powerless to challenge the decisions because of the financial implications of doing so. It would be useful to throw that into the mix when we ask the Government to respond.

The Convener: Okay. I am also conscious that, given the fact that Mr Jarvis has talked about flooding, we should also contact SEPA regarding the procedures to deal with that.

As I said to the previous petitioners, the committee is a staging post for starting to explore the issues that have been identified. We will take those issues up with all the individuals and organisations that have been identified by members of the committee, summarising the position. The matter will then return to the committee for the next stage of discussion, but the petitioners will be kept informed of progress by the clerks. If there is anything that they want to add in the interim, over the next few weeks—any materially important information that would support the petition—they are free to submit that to the committee clerk. I hope that that is helpful. I thank the petitioners for their time.

We will take a couple of minutes for a comfort break and reconvene in about five minutes' time.

15:02

Meeting suspended.

15:07

On resuming—

Free Public Transport (Under-18s) (PE1107)

The Convener: I thank committee members and members of the public for their patience. The next petition is PE1107, by Robin Falconer, on behalf of Highland Youth Voice, calling on the Scottish Parliament to urge the Scottish Government to reduce public transport fares for all under-18-year-olds who are in full-time education, and to make provision for young people with no income to travel free or to pay only half the adult fare. Members have received the papers on the petition. It is in the hands of the committee how we will explore the issues that are raised by it.

Claire Baker: I am interested in a couple of issues. I suggest that we write to the Scottish Government, asking for its views on the petition and whether it can give us a costed estimate of the proposals in the petition. I am also concerned about the reported lack of uptake of the existing scheme and the underspend of its budget. I would like to ask the Government what its planned budget for the scheme is for 2008-09.

The Convener: Okay. The petition asks for a commitment to tackle the issue of reduced transport fares for all under-18s in full-time education. Perhaps I am being too sensitive, but I wonder about people who have managed to get work after leaving school at the age of 16. They are probably not well paid and will be on relatively low incomes even for that age group. The principle that underpins the petition is noble, but my concern is about the anomalies that the action that it calls for could throw up. Do members have views on that?

John Wilson: I concur with the convener's remarks about young people who are under 18 and working. The petition also makes a distinction between those who have money and those who do not. Although they might not have an income, many under-18s receive more in pocket money than some employed people earn. I speak as a parent of a 16-year-old. With the amount of pocket money that some young people get, they can be seen to be quite well off.

The Convener: You are too soft, John.

John Wilson: That is the problem, convener—I am beginning to recognise that.

I would tweak slightly what the petition proposes because we should also consider the position of young people who leave school to take up traineeships or apprenticeships, who can be paid less than, say, £60 a week, from which they must pay for travel, lunches and other expenses arising from their employment. The proposal for young people with no income to travel free raises an administrative problem. How would a ticket collector on a train or a bus driver determine whether somebody who was under 18 had an income? We could tweak slightly what the petition proposes by asking what the implications would be of delivering free transport to all under-18s. With the convener's permission, we should write to travel operators such as First ScotRail and First buses that already deal with concessionary fares for pensioners, and ask how they would deal with the petition's proposed strategy if the Government introduced it.

Nanette Milne: Clearly, such a strategy would have significant cost implications—I agree with Claire Baker that we should get a cost estimate. The proposal also raises the general question whether there should be universal or means-tested provision of free transport. I know of a fair number of pensioners who ask why they should get free transport when they can afford to pay. The petition raises the same point in respect of the other end of the age spectrum. Many questions need to be asked about what the petition proposes.

The Convener: The costs would have to be considered carefully. I regularly hear announcements on the radio about the current concessionary fares scheme, encouraging young people to take up the offer. However, even with a substantial publicity budget and media coverage, the take-up of the scheme is not what those of us who felt that it was a good idea expected it to be.

Another issue is whether bus services would have the capacity to cope with increased numbers of passengers. The folk who make the real contribution are those who work and pay taxes, which allows the non-charging of folk of pensioner age or anyone under 18. It would be ironic if those who pay the taxes that allow folk to get on buses for heehaw could not get on the bus to get to work because of lack of capacity. We would have to address that as a major public policy issue. The petition's proposal sounds noble, but it has drawbacks.

We should explore what the petition proposes with the variety of agencies that members suggested and we should—to be fair—get the views of young people in Scotland on the petition. Perhaps we could explore the issue with Young Scot, which already has a commitment to obtaining reduced-cost access to a variety of different things, including public transport.

John Wilson: I suggest that we also contact the Scottish Youth Parliament because it might have useful views on the matter.

The Convener: Okay. Given the money that young John Loughton, who chairs the Youth Parliament, got from winning "Big Brother", he will probably be running about in a pink limousine now.

John Farquhar Munro: Who should do the promotion? For example, should it be the Scottish Government or the rail industry?

The Convener: The current concessionary scheme for young people is promoted by the Scottish Government, through Transport Scotland. However, take-up is not what had been hoped for, which raises issues other than the capacity issue. To be fair, the young petitioner has raised legitimate issues, so I hope that we can start to address at least some of them.

Is the committee happy to accept members' recommendations on the petition?

Members indicated agreement.

Residential and Abstinence Treatment (PE1113)

15:15

The Convener: The next petition is PE1113, by Peter McCann, on behalf of Castle Craig hospital, calling on Parliament to urge the Government to increase the availability and provision of residential and abstinence treatment for people who are alcohol and/or drug dependent. Do we have suggestions about how to address the petition? The relevant papers have been available for a few days.

Nanette Milne: The petition raises major issues. There is great concern about the difficulty of getting accurate figures for current spending on alcohol and drug misuse services. We need to get a view on the petition from the Scottish Government and probably from the alcohol and drug action teams. I think that quite a lot of research on misuse of drugs and how we cope with that has been done in Glasgow. Perhaps we could get a view from there.

Nigel Don: The point that I want to make is not meant to be political, although it may sound as if it is. I confess that I still worry when I hear people talking about what we put into the system rather than outcomes. It would be interesting to find out where the money is going and how much is being spent—those are issues—but it would be much more interesting to find out what is being achieved using whatever is being spent wherever it is being spent. If we ask such questions, we will receive much better answers that will show where we should point people.

John Wilson: We should contact NHS Scotland to find out where it is with the treatments that are being made available, and the British Medical Association for general practitioners' views. An indication from the BMA about the feedback that it has received from GPs, who refer patients for treatment, on access to the services in question would be useful. Referrals and access are issues. We should try to get an indication from the BMA about whether current provision is suitable and how we can develop it.

Nanette Milne: We can also seek councils' views. Aberdeen City Council has moved significantly from residential rehabilitation to a more community-based approach, which is controversial. Not everyone—me included—would agree that that is necessarily the best way forward. It would be interesting to find out how different councils are reacting to the funding that is being made available. Perhaps the Convention of Scottish Local Authorities could tell us about that.

The Convener: Okay. It might also be useful to contact research bases because views on the best

forms of treatment are divided. Complex issues are involved. Nigel Don asked a legitimate question. Whatever is being done—whether a community-based or residential approach is being taken, or whether there is a combination of both approaches—is any difference being made to the number of people who are improving their lives by intervention? That is a critical question. A view from the centre for drug misuse research at the University of Glasgow might be helpful.

John Wilson: We can also contact a couple of the independent delivery services. There is quite a well-known delivery service in Glasgow.

The Convener: Do you mean Turning Point Scotland?

John Wilson: Yes. We could ask for its views on the services that are being delivered. The question is about how services are being delivered and how they can be developed so that there is better delivery. Nigel Don said that it is not simply a case of measuring numbers; we should consider the outcomes that are being delivered for the money that is being made available. Some organisations have a valuable contribution to make.

Nanette Milne: I know the Alexander Clinic in Oldmeldrum in Aberdeenshire quite well.

The Convener: It might be useful to contact that clinic. We could ask Turning Point Scotland about its urban experience from west central Scotland, although I am sure that it also deals with other parts of Scotland. We could also hear about the rural Scotland experience and perspective.

A range of organisations and individuals could assist us in exploring the challenging issues that the petition raises. Do members agree to the recommendations that have been made?

Members indicated agreement.

Transport Strategies (PE1115)

The Convener: Our final new petition today is PE1115, by Pat Graham, on behalf of the Campaign to Open Blackford Railway-station Again. The petition calls on Parliament to urge the Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station, which is identified as a priority action in the latest Tayside and central regional transport strategy, and that in so in doing, it recognises and supports the positive environmental, economic and social impacts of such local solutions. Members were provided with documentation before the meeting.

I ask for views on how to deal with the petition. It is fairly straightforward. It does not ask for

something that involves a lot of resources, but we need to explore the issue with the rail sector—Network Rail and First ScotRail—the relevant Scottish Government ministers and Transport Scotland. The petition refers to the importance of the regional transport strategies, so we will get the regional transport partnerships' views as well.

John Wilson: I suggest that we also contact the Convention of Scottish Local Authorities. Transport links are a major consideration for many local authorities in Scotland, so COSLA might have a good contribution to make. Although the petition concentrates on one area, it also looks more widely at Scotland. There is growing demand from a number of communities for rail transport links to enable them to reach major urban areas.

Nigel Don: Might we ask whether people have compared the potential of a re-opened Blackford station with the present reality of Gleneagles station, which is not far away from Blackford station but is, in fact, in a very different place? Has anybody asked whether we need two stops?

The Convener: We can certainly put that into some of the correspondence.

Is the committee happy to accept those recommendations?

Members *indicated agreement.*

Current Petitions

Fire Control Rooms (PE765 and PE795)

15:22

The Convener: Petitions PE765 and PE795 are grouped together and are about fire control rooms throughout Scotland. At present there are eight.

We have received written submissions on the matter, we have had a previous discussion and we have correspondence from the Government minister with responsibility for fire services, who has stated that the Scottish Government will not take central action to reduce the number of fire control rooms, and that it is for fire and rescue authorities to determine the best provision, taking into account local control room requirements and standards.

One of the petitioners was here earlier today and intimated that he is satisfied with the resolution of the issue. However, he is a firefighter and had to go back to his duties, so he has left us. He wanted to put on record his genuine appreciation of the support that the present committee and the committee in the previous parliamentary session have given on the issue.

Nigel Don: It would perhaps be wrong to pat ourselves on the back, but might we note in passing that the committee's deliberations have produced a happy petitioner and the outcome that he and his colleagues wanted? If we wonder on a Tuesday afternoon whether we will have any success, we can at least remember these petitions and tell ourselves that we scored 100 per cent.

The Convener: At the risk of annoying relations of mine who are in the Fire Brigades Union, I must say that I never thought that I would see a happy firefighter. There is no doubt that the petition raised issues that needed to be addressed and that a solution has been found. I am sure that the deputy convener is keen on that.

John Farquhar Munro: If it is not bust, why try to fix it? The set-up has worked very well over the years. The control centres have provided a good service.

The Convener: I thought you would say that.

The petitioner was keen that the committee be aware that he valued its role in the matter.

Do members agree to close the petition on the basis that the issue has been successfully resolved?

Members *indicated agreement.*

Charter for Grandchildren (PE1051)

The Convener: The next petition is PE1051, by Jimmy Deuchars, on behalf of Grandparents Apart Self-Help Group Scotland, calling on the Scottish Parliament to urge the Scottish Executive to make the charter for grandchildren legally binding to ensure that all public agencies and families recognise the rights of children and that those rights are enforced by law.

We have papers on the petition and I ask for views on how to deal with it.

Nanette Milne: Has the fostering and kinship care strategy been published yet? If not, how imminent is it?

The Convener: There was consultation on the strategy in December 2006. The position is that the Scottish Government is committed to publishing a strategy on fostering and kinship care. However, it is still to be published.

Nanette Milne: Do we have a time for that?

The Convener: There is no clarity about the timescale.

Nanette Milne: Should we wait until the strategy is published before we wind up the petition?

The Convener: I am relaxed about it: that is not an unreasonable request. It is a difficult matter, however. From what we have seen from the papers, the petitioners are committed to resolving the issues. We all know from our own case loads that there are anomalies for grandparents who have had to intervene and look after or access their grandchildren, mainly because of their sons' or daughters' addictions. The children might then be lost to them once the relationship changes, or when one of the partners decides to take the children away. The grandparents might not have any rights, even if they were, de facto, the principal carers. The petitioners are anxious about the matter, which is worth exploring. We have discussed kinship care in Parliament, which also needs to be addressed.

Nanette Milne: There seems to be general support for the charter for grandchildren, but it has no statutory basis. It will be interesting to see what the forthcoming strategy says.

The Convener: Will we wait until we get clarity on the kinship care strategy and whether there are any issues that could be of benefit to the petition?

Members indicated agreement.

Independent Midwifery Services (PE1052)

The Convener: The next petition is PE1052, on which we received oral evidence in the early part of the session. It is by Jayne Heron, and calls on Parliament to urge the Executive to promote the

services of independent midwives and to ensure that such services continue to be available to pregnant women in Scotland. The papers are in front of us. Are there any strong views on how to deal with the issue? Points have been raised about insurance cover, the intervention role that the Scottish Government health directorates may or may not have and the associated guarantees. There are still some issues arising out of the petition that we need to explore. Do members feel the same? Are there any suggestions?

Nanette Milne: We could ask whether the Scottish Government has considered what is being proposed at United Kingdom level. It seems to offer a way out for those who provide good services, through the Albany midwifery practice model. I am not exactly sure how it works, but it seems to provide a way for independent midwives to carry on practising with a degree of certainty.

The Convener: I will check with the clerk whether we have had any kind of response from the Government on the matter, other than what is contained in our papers.

There are some fundamental issues—we should take on board what Nanette Milne has said as a recommendation. Is it worth writing again to the Government to ask how it might support independent midwives?

Nigel Don: I have no expertise in the area, but my impression is that if the Government will not act, nothing will happen. We should therefore press the Government on what it is going to do. At the point when the Government says that it will do something—or, perhaps more likely, that it will not do something—we will have an answer. I cannot see any other route.

John Farquhar Munro: I agree. If there was to be an independent organisation, it should be responsible for the consequences of any actions that are taken against it.

John Wilson: Did we agree to write to NHS Scotland on the matter?

The Convener: I am in the hands of the clerk for that question.

John Wilson: If we did, did we get a response?

Fergus Cochrane (Clerk): Responses from the Scottish Government often cover aspects of NHS Scotland's work.

The Convener: Members have raised two or three issues. Let us explore them and keep the petition alive for the moment.

Broadcast Spectrum (Local Television) (PE1055)

15:30

The Convener: PE1055, by Graeme Campbell, on behalf of Media Access Projects Scotland, calls on the Parliament to urge the Government to seek clarification on the ownership of electromagnetic broadcast spectrum in advance of the proposed spectrum packaging and award process and to seek assurances that capacity will be reserved on the digital multiplexes to enable local and new Scottish television channels originating in Scotland to be broadcast to Scottish viewers who can receive the public service broadcasting channels.

Members have in front of them copies of the written submissions relating to the petition. We have received fairly extensive responses from a variety of individuals within the broadcasting sector, as well as from the Office of Communications and so on. How does the committee wish to take matters forward?

John Farquhar Munro, the deputy convener, is barred from discussing the announcement relating to Gaelic television, which received a real boost this week.

John Farquhar Munro: It is ever so nice.

The Convener: You will refrain from discussing that, John.

John Farquhar Munro: It only got 50 per cent of what was promised, but—

The Convener: You are never happy, are you?

Are there any suggestions about how the committee wants to deal with the petition?

John Wilson: I suggest that we contact the Scottish Government and the Scottish Broadcasting Commission, asking for their views on the issue. We could also refer the petition to the Education, Lifelong Learning and Culture Committee, asking for its views.

The Convener: Is the committee happy to accept those useful suggestions?

Members indicated agreement.

Deep Vein Thrombosis (PE1056)

The Convener: PE1056, by Gordon, Jane and Steven McPherson, calls on the Parliament to urge the Government to introduce mandatory assessment tools for all health boards for the diagnosis of deep vein thrombosis and to address a range of other issues relating to the treatment or recognition of DVT.

Members have received copies of the written submissions relating to the petition, and the

petitioners have appeared before the committee—they made a powerful contribution a few months back. How does the committee want to deal with the issues that are outlined in the papers that we have got so far? What do members want to do next with the petition?

Nanette Milne: The papers state that the revision of the Scottish intercollegiate guidelines network guidelines will take 26 months, which seems quite a long time. I wonder whether we can get an update on how that is progressing.

The Convener: Are there any other strong views? I think that we should seek further clarification of exactly how each of the agencies to which we have written is trying to make progress on the issues that have been identified in the petition, so that we will have a better picture than we have had to date.

Nigel Don: I wonder whether we can use our influence to ask why it will take 26 months to revise the guidelines. An airport could be built in that time. There may be a good reason for it, but it seems an awfully long time.

The Convener: Okay. I am happy to raise that issue. The committee is keen to assist the McPherson family, as this is part of the resolution process of their coming to terms with their loss. We also want to prevent the same thing from happening to any other young person or family.

Nanette Milne: There is also the issue of the revision of patient information leaflets—I think that the family were having an input into that—to ensure that health boards give patients the same advice. I would like to find out how that is going.

The Convener: With those recommendations, are members happy to keep exploring the issues that have been raised by the petition?

Members indicated agreement.

Endometriosis (Research Funding) (PE1057)

The Convener: The next petition is PE1057, by Andrew Billson-Page, on behalf of the Save our NHS Group. The petitioner gave oral evidence to the committee several months back. Members have in front of them the written submissions on the issue of research on endometriosis. I invite suggestions as to how we should deal with the petition.

We have received fairly coherent responses from the University of Edinburgh and from Endometriosis UK. Does the committee want to utilise those responses for further exploration of the issues with NHS boards and so on?

Nanette Milne: I think that we should do that. I was involved with the issue when I first came to

the Parliament, and I was disturbed to note—I think that it was in 2004—that no Scottish intercollegiate guidelines network guidelines on the condition had been developed. That was disappointing, because as well as causing suffering to the women who have it, endometriosis is an economic issue, given that it results in people losing work time and so on. It is well worth exploring the matter further.

The Convener: I accept that recommendation. We will explore some of the issues that have been raised by the submissions.

Supermarket Developments (PE1058)

The Convener: PE1058, by Samer Bagaeen, calls on the Parliament to consider and debate the traffic, environmental and sustainability impact of large 24-hour supermarket developments on existing communities in designated town centres. Following our discussion of the petition at a previous meeting of the committee, we have received written submissions. There a number of options that we should consider. We could close consideration of the petition on the ground that the process has been followed through, but there are still issues to do with local authorities' responsibility, when they consider planning applications, to take account of issues such as those that the petitioner has raised. Alternatively, we could seek an update once the Competition Commission's inquiry into the impact of supermarkets on the wider community has been completed. Do members have strong views on the issue?

John Wilson: I suggest that we follow the latter course and await the outcome of the Competition Commission's inquiry into the subject.

Another issue that is niggling at the back of my mind is how the planning authorities monitor residents' concerns once 24-hour supermarkets open. I am thinking about how we as a committee could gather information on that. I suggest that we write to the Government to seek clarification on the monitoring that is carried out once planning permission has been granted, because problems might not automatically come out in the lead-up to the building of a 24-hour supermarket. When we discussed the petition previously, concerns were raised about the on-going operation of 24-hour supermarkets, particularly in residential or built-up areas. We should write to the Government on the issue because it strikes a chord with me and with what the petitioner from whom we heard earlier had to say about planning. We have myriad planning regulations, but we need to be aware of how they are monitored and enforced.

Nigel Don: I will extend that point by referring to personal experience. As I said earlier, a

supermarket was granted planning permission very close to a residential part of Dundee. The Scottish Office reporter who granted that permission forgot to include any constraints on when activities such as offloading could be carried out, with the result that lorries are offloaded at 2 o'clock in the morning, which plainly should not be happening. The making of an upgraded application for 24-hour operation has enabled us to seek the constraints that should have been imposed when the original application for limited-hours opening was granted.

It seems to me that the Government should consider supervening legislation, whereby the 24-hour operation of a business—of which a supermarket is just one example—in a residential area would be subject to limits to which there were no exceptions. Just as flights out of airports are not allowed between 11 o'clock in the evening and 7 o'clock in the morning—or whatever the relevant hours are—perhaps there should be some general legislation that says that certain activities, such as offloading lorries or running compressors, cannot be done in residential areas at particular times. We could write to the Government to ask whether such a measure is planned; the subtext would be that if there is no such plan, there should be.

The Convener: I am happy to put that proposal in any submission that we make to the relevant Government department, official or minister.

As members have no more points, I accept the recommendations that have been made.

Air-guns (Ban on Sale and Use) (PE1059)

The Convener: PE1059, from Andrew Morton, calls on the Scottish Parliament to urge the Government to support a ban on the sale and use of air-guns, except for certified pest control purposes or for use at registered gun clubs. The committee has received an oral presentation on the petition, and I should point out that Andrew Morton and Sharon McMillan are in the public gallery today.

Do members have any views on how we might progress the petition and address the petitioner's concerns?

John Wilson: Requests have been made to the UK Government to devolve powers in this area, and a summit on the issue is due to take place under the auspices of the Cabinet Secretary for Justice. As a result, I suggest that we ask for a report from the summit and hold off from considering the petition further until we receive it.

The Convener: That is sensible. After all, the previous Executive, the new Government and others have been grappling with this complex legislative issue to find an approach that meets

concerns that have been raised in Scotland. I am happy to explore on the committee's behalf the issues that John Wilson has raised.

John Wilson: I should say that I am rather loth to suggest that course of action, but the difficulty is how we progress this issue. It would be nice if we could compress the timescale for a decision, but the cabinet secretary has decided to go down that route. That said, I hope that after the summit we will get a speedy reply to our request and then be able to consider more positive action with regard to banning air-guns in Scotland.

Nigel Don: It might be worth noting for the record that we had a parliamentary debate on the issue only a few weeks ago. Although there was—perhaps predictable—disagreement over certain structural aspects of how the matter should be handled, no one suggested that the issue should not be addressed. Everyone should be confident in the knowledge that we all want to find a way through it; it is simply a matter of finding a politically practical solution.

Nanette Milne: In his letter, the cabinet secretary says:

“our joint aim must be to do all we can to ensure that fewer weapons fall into the wrong hands”

and that that work

“will include not just examining what new laws might be required, but also what measures we can take to educate youngsters and adults alike about the proper responsible use of air weapons in our communities.”

That approach fits with that of the British Association for Shooting and Conservation, which is keen to have an input into that work. Alongside the suggestion made by John Wilson, I wonder whether there is any way of putting the BASC in touch with the Government in order to discuss such measures. Of course, I imagine that they already are in touch.

The Convener: That might happen as a result of the summit. In its discussions on the petition, the committee highlighted the fact that it is difficult to deal with the issue because of the impact on the family involved. However, those who use air-guns very responsibly are getting caught up in the problem of their misuse, which occurs mainly in urban Scotland. Perhaps the summit can take a three or four-pronged approach, but I realise that MSPs are keen on a certain direction of travel on the mechanisms for delivering the petitioners' aims. A substantial majority of people want to do something about the misuse of air-guns in Scotland, and I hope that the summit will pick up on those issues. We will certainly refer the information that we have received to the appropriate agency or minister.

We will continue our consideration of the petition while we await the outcome of various other discussions.

Lancastria Commemorative Medal (PE1062)

The Convener: PE1062, from Mark Hirst, on behalf of the Lancastria Association of Scotland, seeks recognition of the lives of the individuals who were lost when the troop-ship Lancastria was sunk on 17 June 1940. Members have the various written submissions.

I do not think that we need to spend a lot of time on this petition. As members know, there has been a parliamentary debate on the issue and the Government has indicated that, as a way of recognising that loss, it will provide a commemorative medal to each of the families of the Scots who were killed or survived. Unless members wish to raise any other points, I suggest that we simply recognise what has been done and note the petition.

I have a funny feeling that John wants to say something.

John Wilson: I want to put on record our disappointment at the Ministry of Defence's decision not to commemorate this disaster in any way, given its recent announcement that it is going to mark the work that the land girls carried out during the war by striking a badge for the surviving members of that group. We should congratulate the Scottish Government on its decision to mark the disaster appropriately.

15:45

Nanette Milne: A commitment to commemorate the disaster has been made. The timescale has to be considered. The relatives of the victims of the disaster should be kept informed about how work is progressing and when they are likely to see the commemorative medal.

The Convener: We accept those comments.

Legal System (Fee Arrangements) (PE1063)

The Convener: PE1063, by Robert Thomson, calls on the Parliament to investigate an apparent conflict of interest between solicitors, advocates and clients under the present system of speculative fee arrangements—no win, no fee arrangements, in common parlance—and to urge the Scottish Government to overhaul the existing speculative fee arrangement framework and procedures to make solicitors and advocates more accountable to their clients.

Nigel Don: I seek your advice, convener. The petitions falls absolutely in the Justice Committee's area of interest. As far as I can see, it raises no peripheral issues but is simply about how the legal system works. On that basis, should we refer it to the Justice Committee, of which I am a member, to see whether it has views or wants to take it up?

The Convener: Okay. There are no other views on the petition. When the Justice Committee starts to complain about the other onerous duties that it has, you can defend the decision to refer the petition to it—you might need a hard hat. Given the legal detail of the petition, I think that we are right to refer it to the Justice Committee.

Debating Chamber (Scottish Parliament Symbol) (PE1066)

The Convener: PE1066—I wondered what it would be about when I saw the number—by John Thomson, calls on the Scottish Parliament to consider and debate the displaying of the current symbol of the Scottish Parliament in a prominent position in the debating chamber.

I know that the Scottish Parliamentary Corporate Body is an august body, but I find its response to the petition pretty lame. I would not have thought that cost would be an issue. I think that the petitioner makes a fair call. Am I alone in thinking that? How do we take on the all-powerful SPCB without it closing us down? Do members have any strong views on the petition? I just think that the response given was the classic bureaucratic response of, "Sorry, we can't do that, because it would cost too much", without any evidence base or cost comparisons being made.

John Wilson: I support your assertion that we should take forward the petition. We should write again to the SPCB and say that we are disappointed with its response. We need to show the logo somewhere in the chamber, so that people watching parliamentary television in the wee small hours of the morning know which Parliament they are watching. Not everyone is aware of the architectural beauty of our chamber. It would be useful if the logo could also be displayed. There is some irony in the cost argument, given the amount that the building cost. Is the SPCB saying that the design cost might be more than the cost of the installation of a symbol in the chamber?

Claire Baker: I do not want to upset the consensus, but I have some sympathy with the corporate body's point about the design of the chamber. The petitioner states:

"the Chamber ... lacks a focal point to remind the MSPs that they are in the Scottish Parliament and voting on Scottish matters."

I am not sure that I agree with that. The chamber has a strong design, and a symbol might detract from that. I do not think that a symbol is necessary. I am happy to go along with the committee's decision, but I put my view on the record.

The Convener: Members of the committee will probably have different views about whether it is important to display the symbol. When I read the papers, I thought that it is strange that we do not display it. I know from my visits to national Parliaments elsewhere in Europe that a symbol of the state is usually displayed. We could do that.

Claire Baker: There might be a need for a symbol, but I am not convinced that the Parliament's logo would be the best one to use.

The Convener: When members put together their letterheads, they are keen to include a symbol that has authority. There is no doubt that the public respect that. When someone looks at the historic House of Commons letterhead that they get when an MP writes back to them, they always think, "That's an important letter." I am sure that all members are keen for their letterheads to have such status. There is a debate to be had, rather than the SPCB simply saying, "Thank you, but we really don't want to do this." We should discuss and explore the matter with the corporate body.

Nanette Milne: I have no strong feelings either way, but I take on board what you say, convener. The point that struck me in the SPCB's letter is the difficulty of incorporating the logo in the chamber, rather than the cost. The design would be crucial. Some further discussion on what is possible would be worth while.

The Convener: Okay. We will probably get knocked back with a flea in our ear, but let us try, anyway.

Scottish Prison Population (Catholics) (PE1073)

The Convener: PE1073, by Tom Minogue, calls on the Scottish Parliament to investigate and establish the reasons for the apparently disproportionate number of Catholics in Scottish prisons. I have done my best to avoid detection and getting caught by the police, but there we are. Members have copies of the written submissions that relate to the petition, as specified in paper PE/S3/08/2/2. John Wilson made some points when we discussed the matter previously. I wonder whether he wants to comment again.

John Wilson: It is clear from the petitioner's response that he has taken on board my point that, although the petition focuses on one particular religious group, there is an opportunity

to widen it out. If we are to do some analysis of the religious beliefs of those who are in prison, we should consider other religions as well. The petition came to the committee shortly after a report declared that the proportion of Muslims in the Scottish prison system is almost 100 per cent higher than the proportion of Muslims in the general population. The petitioner has accepted that point.

We need to investigate the matter further with the Scottish Government and the Scottish Prison Service and try to draw out some of the issues. My reading of the response from the SPS is that it is reluctant to carry out such analysis in case that throws up other issues. As members of the Public Petitions Committee and of the Parliament, it is our duty to investigate the circumstances and impacts that might exist in wider society in relation to the prison population. We know that the SPS and others have done work on deprivation indicators in relation to people who are held in prison, and the SPS admits that there are higher proportions of prisoners in Barlinnie from five of the most deprived areas of Glasgow than from the rest of Glasgow.

There are issues about deprivation, but we should investigate the religious aspects further and seek clear, concise responses from the Scottish Government and the SPS.

The Convener: We need to try to get to the bottom of those issues, for everybody's benefit. John Wilson has made a recommendation. Are we happy to pursue the matter with the Government and the Equality and Human Rights Commission, and ask them to see what the research base is and what evidence they have to explain the situation?

I have a wee worry with the SPS's response, which says that it does not know why such a disparity exists. I understand why it might have said that, but you would think that when the issue has been thrown up it would want to find out why, rather than saying that it does not know.

Nigel Don: The SPS's response throws up one valid comment, which is that we may not be comparing valid statistics. There is no point comparing apples and pears. We must have valid figures, otherwise they are not useful.

The Convener: We will keep the petition alive and explore the issues that have been raised.

Members indicated agreement.

Scottish Civic Forum (PE1082)

The Convener: The final petition, PE1082, by John Dowson, calls on the Scottish Parliament and the Executive to undertake an urgent review of their consultation and participation practices, to

consider a proposal to reinstate funding to the Scottish Civic Forum at a level of at least £250,000 per annum and to adhere to the guidance on participation published in the Scottish Parliament's "Participation Handbook".

We have received relevant papers. I am in the hands of committee members as to how we wish to deal with the petition.

John Wilson: Although I express disappointment at the Scottish Government's response regarding funding for the Scottish Civic Forum, my understanding is that the Government has indicated that it will continue to investigate and consider ways of improving engagement with community organisations throughout Scotland. We should ask the Government to keep the committee apprised of any developments that are taking place and how it intends to improve the civic engagement that the Civic Forum provided for the Parliament in the past.

Nanette Milne: Is the intention that we close the petition but ask to be kept advised of progress?

John Wilson: I was suggesting that we keep the petition open until we are advised on progress. If we close it, the Government may be of the view that, as far as the committee is concerned, the matter is closed. We should continue to consider the issue, because the Government's response stated that it would seek ways to continue engagement. The Government keeps in regular contact with certain organisations, but it would be useful to get details on what it intends to do to engage with civic organisations throughout Scotland.

The Convener: We are almost saying that we should have a national conversation about it.

John Wilson is right: if there is no commitment on the Civic Forum, there is a continuing issue. The question is how we engage with civic Scotland through partnership arrangements and discussions—the consultative steering group made recommendations about that when the Parliament was created. I will be delighted to see the Government's response on how it will deal with the issue.

Do we accept the recommendations that have been put forward and agree to keep the petition open until we get clarity?

Members indicated agreement.

New Petitions (Notification)

The Convener: Members have been notified of the petitions that have come in. As members have no comments, I take it that the committee agrees to note the petitions.

The next meeting of the Scottish Parliament Public Petitions Committee will be on Tuesday 19 February. I thank the members of the public present for being patient with us all afternoon, and committee members for their participation.

Meeting closed at 15:59.

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